

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

**JOINT MOTION TO EXTEND TIME TO
RESPOND TO WRITTEN DISCOVERY**

Now come the parties in the above captioned matter and hereby move this Honorable Court to extend the deadline to respond to written discovery from December 31, 2005 to January 13, 2006.

In further support of this motion the parties state as follows:

1. On July 7, 2005, this Honorable Court ordered that all discovery requests be responded to by December 31, 2005.
2. The parties have recently instituted settlement discussions, which are ongoing.
3. In order to allow the settlement discussions to continue with out the distraction of meeting the December 31, 2005 deadline, the parties request that the deadline to respond to written discovery be extended for two (2) weeks until January 13, 2006.
4. The parties shall also be permitted until January 13, 2006 to file all motions to compel and/or other pleadings arising from written discovery requests.
5. This is the parties' first request of this nature.
6. Neither side shall be prejudiced by this extension and because neither side requests that any other deadlines be extended, granting this motion shall not delay

the disposition of this matter.

Respectfully submitted,

Attorneys for Plaintiffs

Attorneys for Defendant

/s/ Valerie Brand Pipano
Edward Naughton (BBO #600059)
Mona M. Patel (BBO #641007)
Holland & Knight, LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700 (phone)

William J. McNichol, Jr.
Maryellen Feehery
Valerie Brand Pipano
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
(215) 851-8100 (phone)
(215) 851-1420 (fax)

Date: December 27, 2005

/s/ Daniel M. Rabinovitz
Daniel M. Rabinovitz
(BBO # 558419)
Menard, Murphy & Walsh LLP
60 State Street - 34th Floor
Boston, Massachusetts 02109

Dated: December 27, 2005

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

ORDER

AND NOW, this ____ day of _____, 2005, upon consideration of the
Joint Motion to Extend Time to Respond to Written Discovery, it is hereby

ORDERED and **DECREED** that the motion is **GRANTED** and the deadline to
respond to written discovery be extended for two (2) weeks until **January 13, 2006**.

The parties shall also be permitted until **January 13, 2006** to file all motions to
compel and/or other pleadings arising from written discovery requests.

SO ORDERED.

Nathaniel M. Gorton
United States District Judge

Dated: _____, 2005